IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 6533 OF 2005

Smt.Seetabai M.Shinde & Ors.... ... Petitioners.

Versus

The State of Maharashtra & Ors... ... Respondents.

Mr. G.S.Godbole with Mr. S.M.Sahastrabudhe
for the Petitioners.

Mr. V. P. Malvankar, AGP for Respondent Nos.1 & 2.

CORAM : R. M. LODHA &
NARESH H. PATIL, JJ.

DATED : 25TH JULY, 2006.

P.C. :

The petitioners have impugned the stop work notice dated 25th May, 2005 issued by the Assistant Engineer, Office of Building Control, Pune Municipal Corporation. The Counsel for the petitioners admits that the petitioners did not respond to the said notice and straight away rushed to this Court.

2. We are of the considered opinion that merits of the diverse contentions raised in the petition need not be examined by us and interest of justice shall be served if the petitioners respond to the notice dated 25th May,

2005 and the Assistant Engineer considers the reply of the petitioners and passes an appropriate order. We, accordingly, dispose of the writ petition by following order:

(1) The petitioners shall file reply along with all necessary documents upon which reliance is placed in support of their case in reply to the notice dated 25th May, 2005 within three weeks from today.

(2) The Assistant Engineer, Office of Building Control, Pune Municipal Corporation, shall consider the reply of the petitioners and, if necessary, hear them and then pass appropriate order.

(3) Until the order is passed and communicated to the petitioners in writing by the Assistant Engineer, Office of Building Control, Pune Municipal Corporation and for a period of two weeks therefrom, the notice dated 25th May, 2005 shall not be enforced.

Sd/-

(R. M. LODHA, J.)

Sd/-

(NARESH H. PATIL, J.)